

complete classification of this Act to the Code, see Short Title note set out under section 731 of this title and Tables.

CHANGE OF NAME

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

§§ 822, 823. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section 822, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 960, related to origin of bills and resolutions.

Section 823, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 960; May 17, 1932, ch. 190, 47 Stat. 158, related to enacting clauses of bills and resolutions.

EFFECTIVE DATE OF REPEAL

Repeal of sections 822 and 823 effective July 25, 1952, see note set out under section 732 of this title.

§ 823a. Omitted

CODIFICATION

Section, act June 16, 1938, ch. 460, 52 Stat. 708, related to Congressional ratification of all joint resolutions.

§§ 824 to 844. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section 824, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, related to passage of bills and their alterations or amendments.

Section 825, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 960, related to reference of bills to committees, signature by governor, and approval by President.

Section 826, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961; May 29, 1928, ch. 901, § 1(28), 45 Stat. 996; Feb. 28, 1929, ch. 364, §§ 1, 2, 45 Stat. 1348; May 17, 1932, ch. 190, 47 Stat. 158, required laws enacted by Legislature of Puerto Rico to be reported to Congress.

Section 827, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, related to time of taking effect of laws and to introduction of a bill.

Section 828, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, related to house journals.

Section 829, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, required sessions of each house and committees to be open.

Section 830, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 961, related to adjournment.

Section 831, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, required presiding officer to sign bills and resolutions.

Section 832, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, provided that bills, with the exception of appropriation bills, were to contain one subject.

Section 833, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, provided that revenue bills were to originate in house of representatives.

Section 834, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, related to appropriation bills for executive, legislative and judicial departments.

Section 835, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, related to revival or amendment of laws.

Section 836, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, required legislature to prescribe number, duties and compensation of officers and employees.

Section 837, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, prohibited bills giving extra compensation for services rendered.

Section 838, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962; June 24, 1948, ch. 610, § 3, 62 Stat. 580 prohibited laws relating to extension of term of office of officials, double jobs and salary of senators or representatives during term of office.

Section 839, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, related to presentation of orders, resolutions, etc., to Governor.

Section 840, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 960, required Governor to submit a financial budget at opening of each regular session of the legislature.

Section 841, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962; May 17, 1932, ch. 190, 47 Stat. 158, provided for order of payment of appropriations, where revenue insufficient to meet appropriations, and limited appropriations under certain conditions.

Section 842, acts Mar. 2, 1917, ch. 145, § 23, 39 Stat. 958; May 17, 1932, ch. 190, 47 Stat. 158, required Governor to transmit copies of laws to executive department of United States.

Section 843, acts Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962; May 17, 1932, ch. 190, 47 Stat. 158, related to definition and punishment of the offense of corrupt solicitation.

Section 844, act Mar. 2, 1917, ch. 145, § 34, 39 Stat. 962, related to punishment for offense of influencing officials by bribery.

EFFECTIVE DATE OF REPEAL

Repeal of sections 824 to 844 effective July 25, 1952, see note set out under section 732 of this title.

§ 845. Income tax laws; modification or repeal by legislature

The Puerto Rican Legislature shall have power by due enactment to amend, alter, modify, or repeal the income tax laws in force in Puerto Rico.

(Feb. 26, 1926, ch. 27, §§ 261, 1200, 44 Stat. 52, 125; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

Similar provisions of act Feb. 26, 1926, which related to the Philippine Islands, were formerly classified to section 1055 of this title.

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act June 2, 1924, ch. 234, § 261, 43 Stat. 294, prior to repeal by section 1200 of act Feb. 26, 1926, to take effect Jan. 1, 1925.

CHANGE OF NAME

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

SUBCHAPTER IV—THE JUDICIARY

§ 861. Repealed. July 3, 1950, ch. 446, § 5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, § 40, 39 Stat. 965; May 17, 1932, ch. 190, 47 Stat. 158, vested judicial power in courts established and in operation on Mar. 2, 1917, provided for appointment of chief justice and associate justices of the supreme court by President with advice and consent of United States Senate, and authorized Puerto Rican legislature to organize, modify or rearrange the courts and their jurisdiction and procedure, except United States District Court.

EFFECTIVE DATE OF REPEAL

Repeal effective July 25, 1952, see note set out under section 732 of this title.

§ 862. Omitted

CODIFICATION

Section, act Sept. 21, 1922, ch. 365, 42 Stat. 993, conferred on the courts of Puerto Rico jurisdiction of offenses under act Oct. 28, 1919, ch. 85, 41 Stat. 305, the National Prohibition Act.

§ 863. Repealed. Pub. L. 91-272, § 13, June 2, 1970, 84 Stat. 298

Section, acts Mar. 2, 1917, ch. 145, § 41, 39 Stat. 965; Feb. 25, 1919, ch. 29, § 1, 40 Stat. 1156; Mar. 4, 1921, ch. 161, § 1, 41 Stat. 1412; Mar. 4, 1923, ch. 295, 42 Stat. 1560; Dec. 13, 1926, ch. 6, § 1, 44 Stat. 919; May 17, 1932, ch. 190, 47 Stat. 158; Mar. 26, 1938, ch. 51, § 2, 52 Stat. 118; July 31, 1946, ch. 704, 60 Stat. 716; June 25, 1948, ch. 646, § 20, 62 Stat. 989, set out jurisdiction of United States District Court for District of Puerto Rico and provided for salaries of judge and officials of the court and for filling of vacancies. Section 34 of act Apr. 12, 1900, ch. 191, 31 Stat. 84, formerly cited as a credit to this section, was not repealed by act June 2, 1970.

SAVINGS PROVISION

Section 13 of Pub. L. 91-272, as amended by Pub. L. 91-450, Oct. 14, 1970, 84 Stat. 922, provided in part that nothing in the repeal of Act Mar. 2, 1917, as amended, by said section 13 would impair the jurisdiction of the United States District Court for the District of Puerto Rico to hear and determine any action or matter begun in the court on or before June 2, 1970.

§ 864. Appeals, certiorari, removal of causes, etc.; use of English language

The laws of the United States relating to appeals, certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the United States District Court for the District of Puerto Rico and the courts of Puerto Rico.

All pleadings and proceedings in the United States District Court for the District of Puerto Rico shall be conducted in the English language.

(Apr. 12, 1900, ch. 191, § 35, 31 Stat. 85; Mar. 2, 1917, ch. 145, § 42, 39 Stat. 966; Feb. 13, 1925, ch. 229, § 13, 43 Stat. 942; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; May 17, 1932, ch. 190, 47 Stat. 158; June 25, 1948, ch. 646, § 21, 62 Stat. 990.)

REFERENCES IN TEXT

The laws of the United States relating to appeals, certiorari, removal of causes, and other matters or proceedings, referred to in text, are classified to Title 28, Judiciary and Judicial Procedure.

CODIFICATION

“United States District Court for the District of Puerto Rico” substituted in text for “District Court of the United States for Puerto Rico” in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that “There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district” and section 119 of Title 28, which states that “Puerto Rico constitutes one judicial district.”

PRIOR PROVISIONS

Act Mar. 3, 1911, ch. 231, § 244, 36 Stat. 1157, related to direct appeals from The Supreme Court and the United District Court for Puerto Rico to the United States Supreme Court, prior to repeal by act Jan. 28, 1915, ch. 22, § 3, 38 Stat. 804.

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, § 34, 31 Stat. 84.

AMENDMENTS

1948—Act June 25, 1948, amended section generally, and struck out provisions relating to the term of district court and appeals to the circuit court.

1928—Act Jan. 31, 1928, abolished writ of error in civil and criminal cases and made all relief formerly obtained by writ of error obtainable by appeal.

1925—Act Feb. 13, 1925, ch. 229, § 13, repealed provisions of this section permitting a direct review by the Supreme Court of cases in the courts in Puerto Rico.

CHANGE OF NAME

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

EFFECTIVE DATE OF 1948 AMENDMENT

Amendment by act June 25, 1948, effective Sept. 1, 1948, see section 38 of that act, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

REPEALS

Section 39 of act June 25, 1948, repealed section 1 of act Feb. 13, 1925, ch. 229, 43 Stat. 936, formerly cited as a credit to this section, which authorized review in the Circuit Court of Appeals in the First Circuit.

§ 865. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section, acts Mar. 2, 1917, ch. 145, § 43, 39 Stat. 966; Feb. 13, 1925, ch. 229, § 13, 43 Stat. 942; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54, related to writs of error and appeals. See section 1294 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 866. Omitted

CODIFICATION

Section, act Apr. 12, 1900, ch. 191, § 35, 31 Stat. 85, provided that all proceedings in Supreme Court of United States to review decisions of Supreme Court of Puerto Rico and the District Court of the United States for Puerto Rico, should be conducted in the English language.

§ 867. Repealed. Pub. L. 90-274, § 103(g), Mar. 27, 1968, 82 Stat. 63

Section, acts Mar. 2, 1917, ch. 145, § 44, 39 Stat. 966; May 17, 1932, ch. 190, 47 Stat. 158, set out qualifications for jurors in District Court of United States for Puerto Rico as different from those set by local law and directed that juries be selected, drawn, and subject to exemption in accordance with laws of Congress insofar as locally applicable.

EFFECTIVE DATE OF REPEAL

Repeal effective 270 days after Mar. 27, 1968, except as to cases in which an indictment is returned or petit jury is empaneled prior to such effective date, see section 104 of Pub. L. 90-274, set out as an Effective Date of 1968 Amendment note under section 1861 of Title 28, Judiciary and Judicial Procedure.

§ 868. Fees part of United States revenues

All fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the United States District Court for the District of Puerto Rico. The sum of \$500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

(Mar. 2, 1917, ch. 145, § 45, 39 Stat. 966; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

“United States District Court for the District of Puerto Rico” substituted in text for “District Court of the United States for Puerto Rico” in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that “There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district” and section 119 of Title 28, which states that “Puerto Rico constitutes one judicial district”.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Mar. 2, 1901, ch. 812, §2, 31 Stat. 953.

CHANGE OF NAME

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 869. Fees payable by United States out of revenue of Puerto Rico

Such fees and expenses as are payable by the United States if earned or incurred in connection with a district court of the United States shall be paid from the revenue of Puerto Rico if earned or incurred in connection with the United States District Court for the District of Puerto Rico.

(Mar. 2, 1901, ch. 812, §2, 31 Stat. 953; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

“United States District Court for the District of Puerto Rico” substituted in text for “District Court of the United States for Puerto Rico” in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that “There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district” and section 119 of Title 28 which states that “Puerto Rico constitutes one judicial district”.

Section was not enacted as part of the Puerto Rican Federal Relations Act which comprises this chapter.

As originally enacted, so much of section 2 of act Mar. 2, 1901, as is pertinent here, was as follows: “Such fees and expenses as are payable by the United States, if earned or incurred in connection with a circuit or district court of the United States, shall be paid from the revenues of Porto Rico, if earned or incurred in connection with the district court of the United States for Porto Rico.”

CHANGE OF NAME

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 870. Repealed. June 25, 1948, ch. 646, §39, 62 Stat. 992

Section, acts Mar. 2, 1917, ch. 145, §46, 39 Stat. 966; Feb. 26, 1919, ch. 49, §§2, 4, 40 Stat. 1182; Aug. 7, 1939, ch. 501, §6, 53 Stat. 1226, related to salaries of district court officials. See section 604 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 871. Omitted

CODIFICATION

Section, acts Mar. 2, 1917, ch. 145, §47, 39 Stat. 967; May 17, 1932, ch. 190, 47 Stat. 158, which related to fees

and mileage of jurors and witnesses, was superseded by sections 1821, 1825 and 1871 of Title 28, Judiciary and Judicial Procedure.

§ 872. Habeas corpus; mandamus; suit to restrain assessment or collection of taxes

The supreme and district courts of Puerto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district courts of the United States, and the district courts may grant writs of mandamus in all proper cases.

No suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the United States District Court for the District of Puerto Rico.

(Mar. 2, 1927, ch. 145, §48, 39 Stat. 967; Mar. 4, 1927, ch. 503, §7, 44 Stat. 1421; May 17, 1932, ch. 190, 47 Stat. 158.)

CODIFICATION

“United States District Court for the District of Puerto Rico” substituted in text for “District Court of the United States for Puerto Rico” in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that “There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district” and section 119 of Title 28 which states that “Puerto Rico constitutes one judicial district”.

AMENDMENTS

1927—Act Mar. 4, 1927, added second paragraph.

CHANGE OF NAME

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 873. Repealed. July 3, 1950, ch. 446, §5(2), 64 Stat. 320

Section, acts Mar. 2, 1917, ch. 145, §49, 39 Stat. 967; May 17, 1932, ch. 190, 47 Stat. 158, related to appointment of judges, marshals and secretaries.

EFFECTIVE DATE OF REPEAL

Repeal effective July 25, 1952, see note set out under section 732 of this title.

§ 873a. Repealed. June 25, 1948, ch. 646, §39, 62 Stat. 992

Section, act Feb. 12, 1940, ch. 25, §1, 54 Stat. 22, which related to rules governing civil cases. See section 2072 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

§ 874. Judicial process; officials to be citizens of United States; oath

All judicial process shall run in the name of “United States of America, ss, the President of the United States”, and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of “The People of Puerto Rico.” All officials shall be citizens of the United States, and, before enter-

ing upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 10, 39 Stat. 954; May 17, 1932, ch. 190, 47 Stat. 158.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, § 16, 31 Stat. 81.

CHANGE OF NAME

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

§§ 875, 876. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section 875, act Mar. 2, 1917, ch. 145, § 55, 39 Stat. 968, related to continuation of court's jurisdiction.

Section 876, act Jan. 7, 1913, ch. 6, 37 Stat. 648, related to temporary judge.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948, set out as an Effective Date note preceding section 1 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER V—RESIDENT COMMISSIONER

§ 891. Resident Commissioner; election

The qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States at each general election, whose term of office shall be four years from the 3d of January following such general election, and who shall be entitled to receive official recognition as such commissioner by all of the departments of the Government of the United States, upon presentation, through the Department of State, of a certificate of election of the Governor of Puerto Rico.

(Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963; May 17, 1932, ch. 190, 47 Stat. 158; June 5, 1934, ch. 390, § 5, 48 Stat. 879.)

CODIFICATION

Section is comprised of second sentence of section 36 of act Mar. 2, 1917. The first sentence of section 36, providing for election of a Resident Commissioner to the United States at the next general election for a term commencing with date of issuance of certificate of election and terminating Mar. 4, 1921, was omitted. Parts of the third and fourth sentences of section 36 are classified to section 893 of this title. The other part of the third sentence of section 36, which fixed the salary of the commissioner at \$7,500 per annum, was superseded by act Feb. 26, 1907, ch. 1635, § 4, 34 Stat. 993, as amended by act Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301. See Prior Provisions note under section 31 of Title 2, The Congress. The other part of the fourth sentence of section 36, which allowed the commissioner \$500 as mileage, was classified to former section 46 of Title 2 and was omitted from the Code as superseded by former section 43b-1 of Title 2. The fifth and sixth sentences of section 36 are classified to section 892 of this title.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, § 39, 31 Stat. 86.

The salary allowed by section 39 of act Apr. 12, 1900, was increased by act Feb. 26, 1907, ch. 1635, § 4, 34 Stat. 993.

The resident commissioner was allowed traveling expenses in addition to his salary, and the commencement of his term was fixed by act July 1, 1902, ch. 1383, § 3, 32 Stat. 732.

The manner of paying the salary and traveling expenses of the resident commissioner was fixed by a provision of act June 22, 1906, ch. 3514, § 1, 34 Stat. 417.

AMENDMENTS

1934—Act June 5, 1934, changed commencement of term of office from Mar. 4 to Jan. 3 following the general election.

CHANGE OF NAME

“Puerto Rico” substituted in text for “Porto Rico” pursuant to act May 17, 1932, which is classified to section 731a of this title.

§ 892. Qualifications of Commissioner; appointment to fill vacancy

No person shall be eligible to election as Resident Commissioner who is not a bona fide citizen of the United States and who is not more than twenty-five years of age, and who does not read and write the English language. In case of a vacancy in the office of Resident Commissioner by death, resignation, or otherwise, the governor, by and with the advice and consent of the senate, shall appoint a Resident Commissioner to fill the vacancy, who shall serve until the next general election and until his successor is elected and qualified.

(Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963.)

CODIFICATION

Section is comprised of fifth and sixth sentences of section 36 of act Mar. 2, 1917. For classification of the remainder of section 36, see Codification note set out under section 891 of this title.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Apr. 12, 1900, ch. 191, § 39, 31 Stat. 86.

§ 893. Salary of Commissioner; allowances; franking privilege

The Resident Commissioner shall receive a salary payable monthly by the United States. He shall be allowed the same sum for stationery and for the pay of necessary clerk hire as is allowed Members of the House of Representatives of the United States. He shall be allowed the franking privilege granted Members of Congress.

(Mar. 2, 1917, ch. 145, § 36, 39 Stat. 963; Mar. 4, 1925, ch. 549, § 4, 43 Stat. 1301.)

CODIFICATION

Section is comprised of parts of third and fourth sentences of section 36 of act Mar. 2, 1917. For classification of the remainder of section 36, see Codification note set out under section 891 of this title.

§ 894. Salary and traveling expenses; payment

The salary and traveling expenses of the Resident Commissioner from Puerto Rico to the United States shall be paid by the Chief Administrative Officer of the House of Representatives in the same manner as the salaries of the members of the House of Representatives are paid.

(June 22, 1906, ch. 3514, § 1, 34 Stat. 417; May 17, 1932, ch. 190, 47 Stat. 158; Pub. L. 104-186, title II, § 224(1), Aug. 20, 1996, 110 Stat. 1752.)